IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

OP.No. 21184 of 1999(V)

PETITIONER:

ABDUL GAFOOR,
S/O. MUHAMMED,
PUTHIYA VEETTIL,
AZHIKODE,
KODUNGALLUR,
TRICHUR DISTRICT.

BY ADV. SRI.T.H.ABDUL AZEEZ,
SRI.P.K.MEETHIYAN KUNJU.

RESPONDENTS:
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1. **THE KODUNGALLOOR MUNICIPALITY,**
REPRESENTED BY ITS SECRETARY,
OFFICE OF THE KODUNGALLUR MUNICIPALITY,
KODUNGALLUR.

2. **KHADEEJA,**
W/O. SAINUDHEEN,
KADAMPOTTU HOUSE,
KODUNGALLUR.

BY ADV. SRI.B.RAMAN PILLAI FOR R1,
SRI. M.P. ASHOK KUMAR FOR R2,
SRI.S.VIJAYAKUMAR,
SRI.C.HARIKUMAR.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

prv.

ORDER ON C.M.P. NO. 35007/1999 IN O.P. NO. 21184/1999

DISMISSED

07/09/2007. **SD/- T.R.RAMACHANDRAN NAIR, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER NO. PH1- 7175/98 DTD. 18/09/98 ISSUED BY THE R.1.

EXT.P.2: COPY OF THE COMMISSION REPORT ALONG WITH A ROUGH PLAN DTD. 17/06/99.

EXT.P.3: COPY OF THE ORDER NO. PH-1-7175/98 DTD. 19/03/99 ISSUED BY THE R.1.

EXT.P.4: COPY OF THE LETTER DTD. 01/06/99 GIVEN BY THE R.1. TO THE SUB INSPECTOR OF POLICE, KODUNGALLUR.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

T.R.RAMACHANDRAN NAIR, J.

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O.P.No. 21184 of 1999-V.

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Dated this the 7th day of September, 2007.

J U D G M E N T

The petitioner is aggrieved by the directions issued as per Exts.P1 to P4 by which trees belonging to the petitioner which were in a dangerous stage are directed to be cut down. It was a time bound direction also.

2. According to the petitioner, the assumption that the trees are in a dangerous position causing threat to the neighbors is not correct. It is stated that the action taken by the authorities is hasty and the petitioner was not issued any notice to submit his objection to the same.

3. In the light of the averment that the petitioner was not issued any notice, it will be in the interest of justice to allow the petitioner to submit objection to Ext.P1 treating it as a notice. The first respondent is directed to issue a notice to the petitioner and the 2nd respondent calling upon them to submit any objection in the matter. Final orders shall be passed after affording a personal hearing to both parties within a period of three months from the date of receipt of the objection. Till then the interim order granted by this Court will continue.

The Original Petition is disposed of as above. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-